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SENSITIVE  
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DEPARTMENT FOR NEA/RA, ELA

E.O. 12958: N/A

TAGS: [ABLD](#) [AFIN](#) [AMGT](#) [ASUP](#) [ECON](#) [KBCT](#) [PHUM](#) [AL](#) [SY](#)  
SUBJECT: REQUEST FOR SECTION 565 WAIVER OF PROHIBITION  
AGAINST CONTRACTING WITH FIRMS THAT COMPLY WITH THE ARAB  
LEAGUE BOYCOTT OR DISCRIMINATE ON THE BASIS OF RELIGION

REF: STATE 132944

¶1. (SBU) We have reviewed the requirements of Section 565 of the Foreign Relations Authorization Act for 1994 and 1995 (Public Law 1103-236) and reaffirm our position that it is in the best interest of the United States Government to request waivers to the Arab League Boycott Compliance Prohibitions and the provisions of non discrimination on the basis of religion. The waiver is in the national interest and it is necessary to carry on post diplomatic functions.

¶2. (SBU) Waiver of the Arab League Boycott Certification: Without the waiver of the anti-boycott certification, our Mission would be unable to obtain essential supplies and services within the country, either because local firms are required by law to comply with the boycott and could not sign the required certification without exposing themselves to civil and criminal penalties, or because an overwhelming majority of suppliers would refuse to certify, or if the matter became public, would be prevented or deterred from certifying.

¶3. (SBU) Waiver of the Religious Discrimination Certification: Pervasive SARG controls would intimidate vendors into non-certification: Without local supplies of essential goods and services, it would be impractical for this Mission to carry out diplomatic functions. The 1973 Syrian Constitution requires that the Syrian President be Muslim. The Syrian government may be considered tolerant regarding the practice of individual religious beliefs; however, the reality is that certain religious and ethnic groups come under more scrutiny than others. Procurement activities that include a written affirmation that the contractor does not discriminate on the basis of religion are problematic. While we have no evidence that local businessmen discriminate in their business dealings, in light of the regime's sensitivity to issues related to religion and ethnicity, no local businessman would sign a written certification proclaiming non-discrimination, particularly in regards to the Jewish faith or Israel. Syria has not signed a peace agreement with Israel and public sentiment about Israeli-occupied territories in the Golan area remains strong.

¶4. (SBU) Signing the non-discrimination statement would likely cause unwanted and undue scrutiny: The SARG maintains close observation of individuals who are associated with the Embassy and government security services routinely interview these individuals. Any statement placing the businessman or family in a potentially difficult situation with the government must be avoided.

¶5. (SBU) Therefore, Embassy Damascus requests a waiver of the Arab League Boycott Certification and Non-Discrimination Clause of section 565.  
CONNELLY